

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE
11

12 DUNCAN K ROBERTSON,
13 Plaintiff,

14 v.
15

16 GMAC MORTGAGE LLC, et al.,
17

18 Defendants.

19 CASE NO. C12-2017-MJP
20

21 FINDINGS OF FACT AND
22 CONCLUSIONS OF LAW
23

24 THIS MATTER comes before the Court on remand from the Ninth Circuit Court of Appeals. (Dkt. Nos. 220, 224.) In its Memorandum of January 5, 2016, the Ninth Circuit panel remanded to the district court the task of conducting an evidentiary hearing to determine the following:

25 1) The location of the main office of J.P. Morgan Chase Bank, N.A. (“Chase”) (Dkt. No. 220 at 6 n.5);
26
27 2) The location of the main office of Bank of New York Mellon Trust Company, N.A. (“BNY”) (Dkt. No. 220 at 6 n.5); and
28

3) The principle place of business of LSI Title Agency, Inc. (“LSI”) (Dkt. No. 220 at

Testimony was taken on June 10th and June 14th, 2016, from John Simionidis, Michael
Boson, Albert Verkuulen, Cheryll Penn, and Duncan Robertson. Based on the testimony
submitted received and the arguments made, the Court now makes and enters the following
rulings of fact and conclusions of law.

Findings of Fact

Chase

9 Exhibits 501 and 502 establish through certified Articles of Association that the main
10 office of the association is located in Columbus, Ohio as of January 30, 2008, through April 19,
11 2016.

BNY

13 Exhibit 302 establishes through Articles of Association that the main office of the
14 association is located in Los Angeles, California, as of July 1, 2008.

LSI

16 1. Exhibit 200 establishes through Articles of Incorporation that LSI is incorporated in
17 the state of Illinois.

18 2. In 2012, at the time this suit was filed and removed, LSI conducted business in several
19 locations. Its president, senior vice president, chief title officer, and other vice presidents worked
20 out of Irvine, California. LSI's high-level decision making was conducted in California.

21 3. In 2014, LSI changed its name to Service Link Title Agency, Inc. (“Service Link”)
22 and is incorporated in the state of Illinois.

4. Service Link's corporate headquarters are located in Coraopolis, Pennsylvania, where high-level decision making is conducted.

5. Neither LSI nor Service Link have or had a center for decision making in Washington or Oregon, and neither have or had officers or employees in Washington or Oregon.

6. Representations were made to Washington's Office of the Insurance Commissioner that LSI had a mailing address in Bellevue, Washington.

7. Duncan Robertson, by drafting a declaration for Ms. Cheryll Penn, an employee of the Office of the Insurance Commissioner, inserted confusion into the court record by identifying the Bellevue, Washington address as a “principle place of business” for LSI. In fact, the documents establish a mailing address and not a nerve center for LSI. Ms. Penn, the declarant, was confused by the term of art used by Mr. Robertson.

8. Mr. Robertson is a citizen of Oregon.

Conclusions of Law

1. The burden of proof on the removing parties is preponderance of the evidence.

2. This Court has jurisdiction and removal was proper.

3. Complete diversity existed between all Parties at the time of filing, at the time of removal, and at the time judgment was entered.

4. Mr. Robertson is a citizen of Oregon.

5. Chase is a citizen of Ohio. See Rouse v. Wachovia Mortgage, FSB, 747 F.3d 707, 708 (9th Cir. 2014) (citing Wachovia Bank v. Schmidt, 546 U.S. 303, 314, 318-19 (2006)).

6. BNY is a citizen of California. See *id.*

7. LSI (which has become Service Link) is a citizen of Illinois through its incorporation in that state. LSI had its nerve center and principle place of business in California in 2012 and in

1 Pennsylvania in 2014. Accordingly, LSI was a citizen of California in 2012 and of Pennsylvania
2 in 2014. See Hertz Corp. v. Friend, 559 U.S. 77, 92-96 (2010).

3 8. LSI is not a home-forum defendant.

4 9. The panel of the Ninth Circuit Court of Appeals retains jurisdiction over all further
5 proceedings.

6

7 The clerk is ordered to provide copies of this order to all counsel.

8

9 Dated this 16th day of June, 2016.

10

11



12 Marsha J. Pechman
13 United States District Judge

14

15

16

17

18

19

20

21

22

23

24